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EXAMINER				
FIELDS, BENJAMIN S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,441

Applicant(s)

GRAVETT ET AL.

Examiner

BENJAMIN S. FIELDS

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. The following is a **FINAL** Office Action in response to the communication received on 15 July 2008. Claims 1-20 are now pending in this application.

Response to Amendments

2. Applicants Amendment to Claims 1-20 has been acknowledged in that: Claims 1, 8, and 15 have been amended; NO Claims have been canceled; NO Claims have been added; hence, as such, Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neofytides et al. (US PG Pub. No. 2002/0152168), [hereinafter Neofytides].

Referring to Claim 1: Neofytides shows a method for creating an open network stored account (Neofytides: Abstract; Page 3, Paragraph 0045; Page 4, Paragraph 0056; Page 5, Paragraph 0066; Page 6, Paragraph 0072) by a purchaser, the method comprising steps of: receiving at an intermediate system, a first message to create

the stored benefit account, the first message including a purchaser account identifier (Neofytides: Abstract; Figure 5a, Figure 11b; Page 3, Paragraph 0045; Page 4, Paragraph 0056; Page 5, Paragraphs 0066-0067//Neofytides teaches a system where a user must log in via usage of account information//), **the purchaser account identifier identifying a purchaser account**, wherein the purchaser account identifier and other account information is entered by a purchaser with a web interface to create the stored benefit account (Neofytides: Page 2, Paragraph 0025//Neofytides discusses a system where interaction amongst all parties occurs via a web [internet] interface//); the intermediate system processing the first message that is received with an application interface of a credit processing system (Neofytides: Page 2, Paragraph 0025; Figure 5a//Neofytides shows a credit system which communicates via an application interface through the internet//), wherein the purchaser account is used to fund **the open network** stored benefit account (Neofytides: Page 1, Paragraph 0021-0022//Neofytides discloses a stored fund value account system and method which is accessed by means of an account identifier//); the intermediate system receiving a first message response with the application interface, wherein the intermediate system determines if the first message response is consistent with the other account information received from the purchaser in the first message, wherein the intermediate system determines from the first message response (Neofytides: Page 2, Paragraph 0024-0026//Neofytide shows interfaces which verify, check, and maintain consistency throughout the system//), if **the** purchaser account associated with the purchaser account identifier can validly fund the stored benefit account (Neofytides: Page 6, Paragraph 0071-0073//Neofytides details a

system which verifies funds are available within the process in order for transaction completion//); the intermediate system receiving a second message response with the application interface; the intermediate system processing the second message response (Neofytides: Figure 5// Neofytides allows multiple transaction account messages to take place across the interfaces available//), wherein: the second message includes recipient account information (Neofytides: Figure 5//Neofytides shows interfaces which contain account information//), the stored account is created with the recipient account information (Neofytides: Figure 5; Page 1, Paragraph 0021; Page 3, Paragraph 0045; Page 4, Paragraph 0056; Page 5, Paragraph 0066; Page 6, Paragraph 0072)//Neofytides discloses a system for stored value fund accounts which contain account information//), the stored benefit account is backed by an account issuer, the stored benefit account is accepted by a network of unrelated merchants who accept payments from the account issuer (Neofytides: Figures 5-6) and providing the stored benefit account to the recipient for the recipient's use (Neofytides: Figure 5; Page 1, Paragraph 0021; Page 3, Paragraph 0045; Page 4, Paragraph 0056; Page 5, Paragraph 0066; Page 6, Paragraph 0072).

Furthermore, the Examiner notes within the method and system of Neofytides, the **creation** of an open network stored account to be obvious. The disclosure of Neofytides encompasses the usage of a stored benefit account. By way of example: Usage of a credit card demonstrates that a credit card account need to/must be established beforehand. A person could not utilize a credit card without some associated credit card account being in place. As such, Neofytides teaches the usage/creation of a

stored benefit account. It would make since then, that there would be an associated stored benefit account created for the usage of such account.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teaching of Neofytides for an automated transfer with stored value fund to include the creation of a stored benefit account functionality for the purpose of allowing manual interaction of money transfers to and from a stored value fund (Neofytides: Page 1, Paragraph 0004).

Referring to Claim 2: Neofytides teaches the method for creating the open network stored account comprising a step of processing formatted commands with the application interface (Neofytides: Figure 5-11//Neofytides depicts, by means of a series of flowcharts, and within disclosure, that executable commands are utilized to perform the main inventive concept//).

Referring to Claim 3: Neofytides discloses the method for creating the open network stored benefit account by the purchaser for the benefit of the recipient wherein the second message is not sent to the application interface if it is determined that the purchaser account cannot validly fund the stored benefit account (Neofytides: Figure 8// Neofytides displays system wherein checks and maintenance of sufficient funding is thoroughly completed//).

Referring to Claim 4: Neofytides teaches a method for creating the open network stored benefit account by the purchaser for the benefit of the recipient, further comprising a step of sending a stored value card to the recipient for use with the stored

benefit account (Neofytides: Figure 5a//Neofytides teaches a delivery of negotiable instruments being sent (i.e. cards, etc. to the payee//)).

Referring to Claim 5: Neofytides shows a method for creating the open network stored benefit account by the purchaser for the benefit of the recipient, further comprising a step of e-mailing the recipient with notification relating to creation of the stored benefit account (Neofytides: Figure 7//Neofytides shows that creation of an account using such system involves contact via electronic mail (e-mail//)).

Referring to Claim 6: Neofytides teaches a method for creating the open network stored benefit account by the purchaser for the benefit of the recipient, wherein the stored benefit account supports both stored value payments and credit payments to the network (Neofytides: Paragraph 0004, 0020-0022// Neofytides shows various types of value and/or credit payments are utilized//).

Referring to Claim 7: Neofytides discusses a method for creating the open network stored benefit account by the purchaser, further comprising steps of: determining if the account issuer of the purchaser account is supported by the credit processing system (Neofytides: Page 1, Paragraph 0021-0023; Figure 5//Neofytides describes a method which allows a user to authenticate, establish, and utilize the system, hence, the user account must be compatible or supported by the system//); and opening the stored benefit account with an alternative credit processing system where the account issuer is determined to be unsupported by the credit processing system (Neofytides: Figures 5-6//Neofytides shows, that if the user may not be supported by the system, allowance to make such changes can be made/adjusted//).

Referring to Claim 8: Claim 8 parallels the limitations of Claim 1. As such, Claim 8 is rejected under the same basis as is Claim 1 as indicated supra.

Referring to Claim 9: Claim 9 reflects the limitations of Claim 2. As such, Claim 9 is rejected under the same basis as is Claim 2 as indicated supra.

Referring to Claim 10: Neofytides discloses a method for creating the open network stored benefit account by the payor for the benefit of the payee wherein the second message is not sent to the application interface if it is determined that the payor account cannot validly fund the stored benefit account (Neofytides: Figure 8//Neofytides displays system wherein checks and maintenance of sufficient funding is thoroughly completed//).

Referring to Claim 11: Neofytides shows a method for creating the open network stored benefit account by the payor for the benefit of the payee, further comprising a step of sending a stored value card to the payee for use with the stored benefit account (Neofytides: Figure 5a//Neofytides teaches a delivery of negotiable instruments being sent (i.e. cards, etc. to the payee//)).

Referring to Claim 12: Neofytides shows a method for creating the open network stored benefit account by the payor for the benefit of the payee, further comprising a step of e-mailing the payee with notification relating to creation of the stored benefit account (Neofytides: Figure 7//Neofytides shows that creation of an account using such system involves contact via electronic mail (e-mail//)).

Referring to Claim 13: Claim 13 parallels the limitations of Claim 6. As such, Claim 13 is rejected under the same basis as is Claim 6 as indicated supra.

Referring to Claim 14: Neofytides teaches a method for creating the open network stored benefit account by the payor for the benefit of the payee, further comprising steps of: determining if the account issuer of the payor account is supported by the credit processing system (Neofytides: Figure 5a//Neofytides displays a method wherein the user is supported by the system//); and opening the stored benefit account with an alternative credit processing system where the account issuer is determined to be unsupported by the credit processing system (Neofytides: Figure 5a//Neofytides displays a method wherein the user may not be supported by the system, and can, however, achieve access//).

Referring to Claim 15: Claim 15 reflects the limitations of Claim 1. As such, Claim 15 is rejected under the same basis as is Claim 1 as mentioned supra.

Referring to Claim 16: Claim 16 parallels the limitations of Claim 2. As such, Claim 16 is rejected under the same basis as is Claim 2 as mentioned supra.

Referring to Claim 17: Neofytides discloses a method for creating the open network stored benefit account by the payor for the benefit of the payee wherein the second message is not sent to the application interface if it is determined that the payor account cannot validly fund the stored benefit account (Neofytides: Figure 8//Neofytides displays system wherein checks and maintenance of sufficient funding is thoroughly completed – Until sufficient funding is achieved completion of the transaction can not take place//).

Referring to Claim 18: Neofytides shows a method for creating the open network stored benefit account by the payor for the benefit of the payee, further comprising a

step of sending a stored value card to the payee for use with the stored benefit account (Neofytides: Figure 5a//Neofytides teaches a delivery of negotiable instruments being sent (i.e. cards, etc. to the payee//)).

Referring to Claim 19: Neofytides discloses a method for creating the open network stored benefit account by the payor for the benefit of the payee, further comprising a step of e-mailing the payee with notification relating to creation of the stored benefit account (Neofytides: Figure 7//Neofytides shows that creation of an account using such system involves contact via electronic mail (e-mail)//).

Referring to Claim 20: Claim 20 reflects the limitations of Claim 6. As such, Claim 20 is rejected under the same basis as is Claim 6 as mentioned supra.

Response to Arguments

5. Applicants arguments filed 15 July 2008 have been fully considered but have been found to be **moot** and **non-persuasive**. Applicant argues:

Argument A

Claim Rejection Under 35 U.S.C. §103

Examiner attempted to argue, in the previous office action, that creating a stored benefit account is inherent in using a stored benefit account. Now the Examiner, in the present office action, argues that creation of the account in the manner recited in the claims is obvious. Office Action, p. 4. (Furthermore, the Examiner notes within the method and system of Neofytides, "the *creation* of an open network stored account to be obvious.") The Examiner states that "Neofytides encompasses the usage of a stored benefit

account." Office Action, p. 5. The Examiner essentially admits that Neofytides does not describe creating a stored benefit account. Rather, the Examiner asserts that "It would make since then, that there would be an associated stored benefit account created for the usage of such account." Office Action, p. 5. Again, the Examiner's argument appears to be summed up in the idea that if Neofytides includes description of the use of a stored value account, then it would be obvious that Neofytides would create a stored value account using the method claimed in the present application. This assertion is also *non sequitur* and can be shown by the several missing limitations.

Regarding Argument A

The Examiner notes that Neofytides does not expressly show the creation of a stored benefit account. Thus, as stated in the previous Office Action, "It would make since then, that there would be an associated stored benefit account created for the usage of such account". This rationale equates to the Examiner noting that within the method and system of Neofytides, "the *creation* of an open network stored account is obvious" (See at least Neofytides: Page 3, Paragraph 0045; Page 4, Paragraph 0056; Page 5, Paragraphs 0066-0067; Page 6, Paragraph 0072).

Argument B

Missing Limitations:

In contrast to the claims, Neofytides does not create a stored benefit account but provides methods for transferring value using a stored benefit account. See Neofytides, ¶ [0021] ("The present *invention facilitates online money transfers in or out of a user's stored value fund.*" (*Emphasis added.*)). Neofytides does not create the stored value fund as recited in the claims.

Missing Limitation: "receiving at an intermediate system a first message to create the open network stored benefit account the first message including a purchaser account identifier the purchaser account identifier identifying a purchaser account wherein the purchaser account identifier and other account information is entered by a purchaser with a web interface to create the stored benefit account"

Independent claim 1 requires "receiving at an intermediate system, a first message to create the open network stored benefit account, the first message including a purchaser account identifier, the purchaser account identifier identifying a purchaser account, wherein the purchaser account identifier and other account information is entered by a purchaser with a web interface to create the stored benefit account." Neofytides does not show a message being received from a purchaser with a purchaser account identifier *to create stored value fund*. Neofytides shows a step to open an account (Step 512 of Fig. 5). The description of this step in Fig. 5 of Neofytides states only "If the payor 110 does not remain external to the system 100, an account is opened in step 512 when there is no existing account." Neofytides, ¶ [0052]. Or Neofytides states, "Where there is no account, one is opened by the payee 130 in step 512." Neofytides, ¶ [0057]. The other sections cited by the Examiner do not mention opening an account or what is received to accomplish opening an account. It is readily apparent that Neofytides does not describe creating a stored benefit account as recited in claim 1. Rather, Neofytides shows a transfer from a stored value fund. See Neofytides, ¶ [0021] ("A period expiring and/or a threshold amount being met can cause the *transfer of money in or out of the stored value fund.*" (*Emphasis added.*)). Therefore, Neofytides does not teach receiving a first message including a purchaser account identifier to create a stored value account. Claim 1 is allowable over Neofytides for at least this reason.

Missing Limitation: "the intermediate system determines from the first message response if the purchaser account associated with the purchaser account identifier can validly fund the stored benefit account"

Independent claim 1 also requires "the intermediate system determines from the first message response if the purchaser account associated with the purchaser account identifier can validly fund the stored benefit account." Neofytides does not include an intermediate system and does not show a step of determining if the purchaser account (e.g., a credit card account of the purchaser) can fund the stored value benefit account. Rather, Neofytides simply adds money into the stored value account. See Neofytides, ¶ [0072] ("Where there is not sufficient funds in the stored value fund, processing continues to step 816 to load funds." (*Emphasis added.*)). This process is different than determining if a purchaser account (e.g., a purchaser's credit card account) can provide funds into the stored value account (e.g., determine whether the credit charge to the purchaser's account is authorized) and does not require or include an intermediate system. Therefore, Neofytides does not teach the intermediate system determining whether the purchaser account can fund the stored value benefit account. For at least this reason, claim 1 is allowable over the cited art.

Missing Limitation: "the intermediate system receiving a second message response with the application interface; the intermediate system processing the second message response wherein: second message response includes recipient account information the stored benefit account is created with the recipient account information"

Independent claim 1 "the intermediate system receiving a second message response with the application interface; the intermediate system processing the second message response, wherein: second message response includes recipient account information, the stored benefit account is created with the recipient account information." Neofytides does not show such a step of receiving a second message with account information from a recipient and creating the stored value account with the account information from the recipient. In embodiments, the purchaser and the recipient are different entities. Thus, a purchaser can fund the stored benefit account for the benefit of the recipient. Neofytides only describes credit card authorization messages that transfer money in or out of an existing account, not an account that is being created. See Neofytides, ¶ [0078]. These transaction messages in Neofytides are not the same. Therefore,

Neofytides does not teach that the intermediate system receiving a second message that includes recipient account information or that the stored value account is created from the account information.

Regarding Argument B

The Examiner respectfully disagrees. Neofytides states: "Where there is no account, one is opened by the payee 130 in step 512." Neofytides, ¶ [0057]. (See at least Neofytides: Page 3, Paragraph 0045; Page 4, Paragraph 0056; Page 5, Paragraphs 0066-0067; Page 6, Paragraph 0072). These sections of Neofytides cited make mention of the creation/opening an account or what is received to accomplish opening an account. It should be readily apparent that Neofytides does describe creating a stored benefit account as recited in claim 1. Furthermore, note that the system and method of Neofytides will create a user account if one has not already been previously established ("Where there is no account, one is opened by the payee 130 in step 512" Neofytides, ¶ [0057]).

The Examiner does not agree that the process by which Neofytides simply adds money into the stored value account is different than determining if a purchaser account (e.g., a purchaser's credit card account) can provide funds into the stored value account (e.g., determine whether the credit charge to the purchaser's account is authorized) and does not require or include an intermediate system. The fact that Neofytides adds money into the stored value account reads on the claim language of the instant application.

6. Furthermore, any additional arguments filed 15 July 2008 have been fully considered but have been found to be **moot** and **non-persuasive** as the Examiner has

more specifically pointed out the limitations found within the instant Claim language as presented.

Examiner Note

7. **The Examiner has pointed out particular reference(s) contained in the prior art of record** within the body of this action for convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. **Applicant**, in preparing the response, should **fully consider the entire reference** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

8. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY THRU FRI (9AM - 7PM) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields

/Frantzy Poinvil/

Primary Examiner, Art Unit 3692

13 September 2008